

Application No. 09/623,010

Art Unit 1713

Reply to Office Action of March 13, 2003

**REMARKS**

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims.

Claims 1-13 are pending in this application. Claims 1-9 and 11 have been withdrawn from consideration. Claim 10 has been amended.

No new matter has been added by way of this amendment because the amendment is supported by the present specification at page 7. This is a clarifying and not a narrowing amendment. Thus, Applicants do not surrender any particular equivalents with respect to the scope of the amended claim.

Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

**Issues Under 35 U.S.C. § 112, Second Paragraph**

Claims 10 and 12-13 stand rejected under 35 U.S.C. § 112, second paragraph, for reasons of indefiniteness. Applicants respectfully traverse.

Applicants respectfully refer the Examiner to amended claim 10, which recites definite claim language. Thus, reconsideration and withdrawal of this rejection is respectfully requested. ✓

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*Issues Under 35 U.S.C. §§ 102(b) and 103(a)*

Claims 10, 12 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent Application No. EP 0 690 096 A1 (hereinafter "EP '096"). Also, claims 10, 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '096 in view of Kometani '913 (U.S. Patent No. 3,951,913), Sonoi '686 (U.S. Patent No. 4,929,686) or Yamamoto '902 (U.S. Patent No. 5,478,902). Applicants respectfully traverse these rejections for the following reasons.

In Applicants' previous reply ("Reply After Final Under 37 C.F.R. § 1.111," dated January 24, 2003, page 6), Applicants stated the following:

The cited EP '096 reference discloses a vulcanizing aid (see page 4, lines 15-17), wherein DBU-b is disclosed as a quaternary ammonium salt. DBU-b is a strong base, whereby its addition to a fluoroelastomer curable coating composition enhances the elimination of HF from the fluoroelastomer. Thus, the fluoroelastomer is easily crosslinked and the composition quickly gels. The result of adding DBU-b is that the composition has a short pot life.

In response to Applicants' remarks, the present Office Action states that Applicants' comments are not persuasive since "BDU-b is a quaternary ammonium salt as is instantly claimed, and it is not seen that is a strong base, nor has applicant provided any evidence that this vulcanization aid enhances the elimination of HF" (see paragraph 10 of the Office Action).

Applicants respectfully submit that DBU-b is a salt of DBU with benzyl chloride (diazabicycloundecenebenzyl chloride salt; see EP '096, page 4, line 16). DBU is a strong base, and benzyl chloride is a neutral compound. Thus, DBU-b is a strong basic salt.

In support of Applicants' position, Applicants herein enclose a copy from a web-page that from an Internet brochure of the San-Apro Kabushikikaisha company. The enclosed print-out depicts that DBU is a strong base. Specifically, in the row for DBU, DBU has a pH value of 12.8 in a 1% aqueous solution, and a value of 13.7 in a 1% solution of isopropanol and water (at a 10/6 ratio). Furthermore, the second enclosed print-out (the Technical Data Sheet issued by BASF) describes that DBU is a "dehydrohalogenation agent".

Therefore, DBU-b is a strong base and enhances the elimination of HF from a fluoroelastomer, wherein the fluoroelastomer easily crosslinks. As a result, the composition quickly gels, and the composition has a short pot life.

Based on the above remarks, Applicants respectfully maintain their position that patentable distinctions exist between the present invention and the EP '096 reference and the cited combination of references. The curing accelerator of the present invention is a neutralized salt or weakly basic, wherein the elimination of HF from the fluoroelastomer is retarded, and not enhanced, in comparison with utilizing the vulcanizing aid of EP '096. Therefore, the present

invention is more stable and has a longer pot life when compared to any composition of the EP '096 reference. Thus, Applicants respectfully submit that the cited EP '096 reference fails to disclose all features as instantly claimed. Accordingly, Applicants respectfully request the Examiner to reconsider and to withdraw the rejection under § 102(b).

With regard to the rejection(s) under § 103(a), Applicants respectfully traverse for the reasons stated above, and herein incorporate by reference those distinguishing remarks. Applicants also respectfully submit that the present invention has achieved unexpected results, which rebuts any asserted *prima facie* case of obviousness.

Applicants herein enclose a Declaration pursuant to 37 C.F.R. § 1.132 by co-inventor Kiyotaro Terasaka as evidence of such unexpected results. In the Rule 132 Declaration, Applicants compare the present invention with a composition comprising DBU-b, which appears to be the closest prior art. As can be seen, the cited prior art example gels only after two hours, and has attained lower tensile strength and elongation when compared to the present invention (Example 1 is used). Example 1 of the present invention is described at pages 12-13 and Table 1 (page 16) of the present specification. Example 1 is just one instance of how the present invention has achieved unexpected results when compared to any conventional article with an elastomeric coating layer.

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Based on these remarks, the achievement of unexpected results, and the remarks of the January 24<sup>th</sup> Reply, Applicants respectfully request the Examiner to reconsider, and to withdraw all rejections and allow the currently pending claims.

**Information Disclosure Statement of November 21, 2002**

Applicants submitted an Information Disclosure Statement with a PTO-1449 form on November 21, 2002. However, Applicants have not received a copy of the PTO-1449 having the Examiner's initials next to each cited reference. Thus, Applicants respectfully request the Examiner to consider and provide his initials next to each cited reference, and return a copy of the initialed PTO-1449 form to Applicants.

**Conclusion**

A full and complete response has been made to all issues as cited in the Office Action. Thus, Applicants respectfully request that a timely Notice of Allowance be issued in the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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Pursuant to 37 C.F.R. § 1.17 and 1.136(a), Applicants respectfully petition for a three (3) month extension of time for filing a response in connection with the present application. The required fee of \$930.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 

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Attachments:

- Web-page from Internet brochure of San-Apro Kabushikikaisha company
- Technical Data Sheet issued by BASF
- Declaration Under 37 C.F.R. § 1.132
- Extension Fee